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REMARKS

Due to a restriction requirement, Claims 23 - 27 and Claim 29 have been canceled in the present amendment without prejudice. Remaining Claims 1 - 22 and 28 of the application stand rejected. In the present amendment, Claims 1, 6, 7, 8-22 and 28 have been amended to further clarify the invention. Additionally, the specification has been amended to include information pertaining to a related application. The new text does not add any new matter to the specification. Finally, Applicants respectfully request reconsideration of the pending claims in light of the amendments and remarks herein.

Election/Restrictions under 35 U.S.C. §121

The Examiner requested a restriction for examination purposes, suggesting that the application contains two separate inventions (Group I comprising Claims 1-22 and 28 and Group II comprising Claims 23-27 and 29). Applicants hereby affirm the provisional election of Group I made by Steven Skabrat (Reg. No. 36, 279), for continued prosecution herein. Applicants therefore respectfully request that the claims in Group II (Claims 23-27 and 29) be canceled without prejudice to Applicants' right to incorporate the non-elected invention in other divisional and/or continuing applications.

35 U.S.C. §102(e)

Claims 15-18, 20 and 21 stand rejected under 35 U.S.C. §102(e) as anticipated by Tian et al., International Publication No. WO 02/23468 A1 ("Tian"). The Examiner points to various sections in Tian to suggest that Tian anticipates the claimed invention. Applicants respectfully traverse the rejection and submit that Tian does not anticipate Claims 15 - 18, 20 and 21. Specifically, Tian does not describe the claimed system of measuring host signal quality utilizing a watermark that is derived by quantizing the host signal using an ensemble of quantizers. Tian also does not disclose embedding such a watermark in a data set, processing the data set using a parameter set, and/or determining the degradation of the host signal quality by recovering a signal from the data set.

Applicants therefore respectfully submit that Tian does not disclose the invention as claimed in independent Claim 15, and thus does not anticipate Claim 15. Additionally,

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Claims 16-18, 20 and 21 are dependant on Claim 15 and include all the elements of Claim 15. Tian therefore also does not anticipate Claims 16-18, 20 and 21. Applicants therefore respectfully request the Examiner to withdraw the rejection to Claims 15-18, 20 and 21 under 35 U.S.C. §102(e).

35 U.S.C. §103

Claims 1-14, 19, 22 and 28 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of Tian and the article entitled "Meeting QOS guarantees by End-to-End QOS Monitoring and Adaptation" by Huard, et al. ("Huard"). The Examiner points to various sections of Tian and Huard to support the contention that Tian and Huard render the claimed invention unpatentable. Applicants respectfully traverse the rejection and submit that Tian and Huard, alone and/or in combination, do not teach or suggest the invention as claimed in Claims 1-14, 19, 22 and 28.

As previously described, Tian does not teach or suggest the claimed method and article of measuring host signal quality utilizing a watermark that is derived by quantizing the host signal using an ensemble of quantizers. Huard also does not teach or suggest this element. Tian also does not teach or suggest embedding such a watermark in a data set, processing the data set using a parameter set, and/or determining the degradation of the host signal quality by recovering a signal from the data set. Again, the combination of Huard with Tian does not teach or suggest this element. Applicants therefore submit that the combination of Tian with Huard does not teach or suggest the claimed invention and therefore does not render independent Claims 1, 8 and 28 unpatentable.

Claims 2-7 are dependant on Claim 1 and include all the elements of Claim 1 and Claims 9-14 are dependant on Claim 8 and include all the elements of Claim 8. The combination of Tian and Huard therefore also does not render dependant Claims 2-7 and 9-14 unpatentable. Furthermore, Claim 22 is dependant on independent Claim 15, which includes the same limitations as independent Claims 1, 8 and 28. As such, the combination of Tian and Huard does not render Claim 22 unpatentable.

In summary, the combination of Tian and Huard do not teach the claimed invention, and as such, Claims 1-14, 19, 22 and 28 are patentable over these references,

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alone or in combination. Applicants respectfully request the Examiner to withdraw the rejection to Claims under 35 U.S.C. §103.

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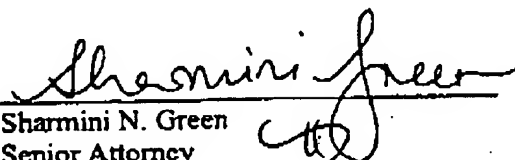
CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1 – 22 and 28 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (310) 406-2362.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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